

UNITED STATES DISTRICT COURT

JUL 01 2019

for the
District of New MexicoMITCHELL R. ELFERS
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Marcel SMALL
Date of Birth: XX/XX/1990
SSN: XXX-XX-7553

Case No.

19mr776

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the _____ District of _____ New Mexico (identify the person or describe property to be searched and give its location): The person known as Marcel SMALL, Date of Birth: XX/XX/1990, SSN: XXX-XX-7553

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): Fingerprint evidence; to wit; major case fingerprints from Marcel SMALL, which would be material evidence in a criminal prosecution.

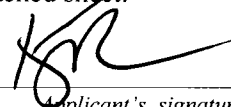
The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 1954, and the application is based on these facts: See Attached Affidavit 922(g)(1) KK

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature


Kacy Ramos, Task Force Officer, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/1/2019
~~11/06/2017~~

City and state: Albuquerque, NM


Judge's signature

Kirtan Khalsa U.S. Magistrate Judge
Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

1. I, Kacy Ramos, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been a member of the ATF Task Force since January of 2018. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
3. I am a certified Law Enforcement Officer in the State of New Mexico and have been so for over eleven years. I attended and graduated an accredited law enforcement academy within the State of New Mexico. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms and narcotics (6) and firearms trafficking.
4. The statements contained in this affidavit are based, in part, on information provided by Special Agents and/or Task Force Officers of the ATF and other law enforcement officers, and on my background and experience as a Special Agent of the ATF
5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. On February 13th, 2019, Detectives with the Albuquerque Police Department Vice Unit responded to Quality Inn and Suites located at 1315 Menaul Blvd, Albuquerque, New Mexico. During this incident your Affiant became aware of Marcel SMALL.
7. Your Affiant contacted the manager of the hotel telephonically who explained a dispute between a female and male had taken place. The manager expressed concern that the female was being prostituted at the motel. The manager provided your Affiant with the room numbers for the parties involved.
8. Your Affiant and Detectives arrived on scene and noted a female was standing on a balcony and appeared to be in distress. The ground below the female was strewn with personal items to include clothing and bags. The female was contacted by Detectives and will be referred to as CB.

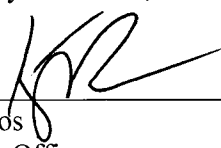
9. CB was transported from the motel and was interviewed at a local substation. CB told your affiant that she traveled from Dallas, Texas to Albuquerque, New Mexico to provide SMALL with a ride back to Dallas. Upon arrival CB and SMALL obtained separate rooms at the Quality Inn and Suites.
10. CB informed law enforcement that she observed SMALL in his room with a firearm sitting on the table.
11. Detectives observed SMALL exit his hotel room and slash the tires of CB's vehicle with a knife. SMALL then returned to his room. SMALL was taken into custody a short time later without incident. SMALL's room was secured pending a search warrant.
12. Your Affiant applied for and was granted a search warrant for SMALL's hotel room. Officers located two firearms inside a backpack in the room. Also in the backpack was a necklace. Your Affiant located photos on SMALL's social media account in which he was wearing this necklace.
13. Detectives located another male in the room with SMALL. This male was surveilled by Detectives coming and going from the room in the hours preceding the arrest. The male was not observed carrying any bags in or out of the room. Your Affiant also confirmed that the male stays at a residence within the City of Albuquerque.
14. Your Affiant also obtained text messages that were exchanged between CB and SMALL. Your Affiant observed the messages and noted messages sent from SMALL to CB. The messages contain photographs of firearms. One of the pictures shows SMALL posing with a firearm tucked inside his waist band. In another there is a picture of four guns, one of which is consistent in appearance with the firearm officers confiscated during the search of SMALL's room.
15. On February 21st, 2019 your Affiant viewed the firearms recovered during the search of SMALL's room. The firearms were a Beretta, model PX4, .40 caliber semi-automatic pistol bearing serial number PZ3874A. The other was a FN, model FNP, 9mm semi-automatic pistol bearing serial number 61BMP12632. Your affiants also viewed 10 rounds of .40 caliber S&W ammunition, 11 rounds of FC 9MM Luger ammunition, 2 rounds of Winchester 9MM Luger ammunition, and 1 round of Winchester 9MM Luger hollow point ammunition.
16. Your Affiant function tested the above-mentioned firearm and determined they functioned as designed. Your Affiant also conducted research and determined the firearms were not manufactured in New Mexico, therefore affecting interstate commerce.
17. Your Affiant determined that SMALL is a convicted felon and was convicted on January 7th, 2010 of Burglary of Habitation in court case number 1146187001 out of the 297th District Court of Fort Worth, Texas. The Judgement in that case contains a fingerprint from SMALL.
18. Your Affiant later spoke with SMALL who admitted to touching one of the firearms in question.

19. The firearm have been submitted to a forensics laboratory for testing.
20. Due to the facts above, SMALL has been federally indicted on charges of being a felon in possession of a firearm. His case number is 19-933 JB. This affiant seeks a warrant for SMALL's fingerprints for the purpose of comparison to his fingerprint on the Judgement for his prior conviction for Burglary of a Habitation as described above. This evidence is relevant to prove he is the same person convicted of that crime.

CONCLUSION

21. I submit that this affidavit supports probable cause for a search warrant authorizing the collection of fingerprints from Marcel SMALL for purposes that include but are not limited to verification of identity and comparison to forensic evidence.

Respectfully submitted,



Kacy Ramos
Task Force Officer
ATF

Subscribed and sworn to before me
on July 1, 2019:



UNITED STATES MAGISTRATE JUDGE